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MONITORING OF INTERNATIONAL PLANS AND PROGRAMMES OF ACTION

Report of the ad hoc open-ended working group to elaborate standard rules on the equalization of opportunities for disabled persons

Note by the Secretary-General

The final report of the ad hoc open-ended working group to elaborate standard rules for the equalization of opportunities for disabled persons, which contains draft standard rules on the equalization of opportunities for persons with disabilities, elaborated in accordance with Economic and Social Council resolution 1990/26 and Commission for Social Development resolution 32/2, is annexed to the present note.

*E/CN.5/1993/1.

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Annex

REPORT OF THE AD HOC OPEN-ENDED WORKING GROUP TO ELABORATE STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR DISABLED PERSONS

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INTRODUCTION

1. The Economic and Social Council at its first regular session in 1990 decided, by its resolution 1990/26, to authorize the Commission for Social Development to consider, at its thirty-second session, the establishment of an ad hoc open-ended working group of government experts, funded by voluntary contributions, to elaborate standard rules on the equalization of opportunities for disabled children, youth and adults, in close collaboration with the specialized agencies, other intergovernmental bodies and non-governmental organizations, especially organizations of persons with disabilities themselves. The Council requested the Commission, should it establish such a working group, to finalize the text of those rules for consideration by the Council in 1993 and for submission to the General Assembly at its forty-eighth session.

2. Accordingly, the Commission, at its thirty-second session decided, by its resolution 32/2, to establish such an ad hoc open-ended working group, which should complete its work in a maximum of three sessions, each of five working days, the results to be submitted to the Commission at its thirty-third session.

3. The first session of the Working Group to Elaborate Standard Rules on the Equalization of Opportunities for Disabled Persons was held at the United Nations Office at Vienna from 2 to 6 September 1991. The report is contained in document AHWG/SRDP/1/1. The second session was held at the United Nations Office at Vienna from 11 to 15 May 1992. The report is contained in document AHWG/SRDP/2/4. The third and final session of the Working Group was held at the United Nations Office at Vienna from 28 September to 2 October 1992. The present report reflects the work of all three sessions of the Working Group, and was adopted as its final report. The list of participants attending the meeting is given in annex I.

RECOMMENDATIONS

4. The Working Group recommended the text of the draft Standard Rules on the Equalization of Opportunities for Persons with Disabilities, contained in annex II, for finalization by the Commission for Social Development at its thirty-third session.

5. The Working Group strongly recommended that the Commission for Social Development should consider ways of linking the monitoring of the Standard Rules, a long-term strategy to the year 2000 and beyond (Economic and Social Council resolution 1991/9) and the World Programme of Action concerning Disabled Persons, 1/ adopted by the General Assembly in its resolution 37/52.

I. ORGANIZATION OF THE MEETING

A. Opening of the Working Group

6. The Working Group was opened by the Director of the Social Development Division, on behalf of the Director-General of the United Nations Office at

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1/ A/37/351/Add.1 and Corr.1, annex, sect. VIII.

Vienna. The Director said that the work on the elaboration of the Standard Rules on Equalization of Opportunities for Persons with Disabilities was one of historical dimensions - a milestone along the road towards just societies and equal rights for all human beings. International standard-setting was one of the most important components of the work of the United Nations. In the specific area of disability, the process of standard-setting began with the articulation of the rights of disabled persons in the 1970s. The beginning of the next decade witnessed the International Year of Disabled Persons (1981), proclaimed by the General Assembly in its resolution 32/133. Its major outcome was the World Programme of Action concerning Disabled Persons.

7. The Chairperson, in his opening statement, emphasized the importance of the complex task before the Working Group and suggested the work modalities. He said that the elaboration of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities would have a lasting effect on the process of enhancement of the situation of disabled persons.

8. The Special Representative of the Secretary-General for the Promotion of the United Nations Decade of Disabled Persons emphasized the role of non-governmental organizations and particularly of organizations of disabled persons in the elaboration of the Standard Rules, since such organizations possessed both expertise and grass-roots experience.

B. Attendance

9. The sessions of the Working Group, which were open to all States Members of the United Nations, were attended by Government experts and observers from Member States and non-member States. Representatives of the specialized agencies of the United Nations, intergovernmental organizations and non-governmental organizations attended the sessions as observers (see annex I).

C. Bureau of the meeting

10. The Working Group at its first session had elected the following officers:

Chairperson:	Kaj Sundberg (Sweden)
Vice-chairpersons:	Jan Brázdil (Czechoslovakia) Kofi Adu (Ghana) Zeno O. Zuñiga (Philippines) Lydia Pierre (Trinidad and Tobago)
Rapporteur:	Heather Butow (Australia)

The same officers served at all three sessions.

II. SUMMARY OF DISCUSSION

First session

11. The major thrust of the discussions during the first session of the Working Group was to develop a conceptual framework for the Standard Rules, comprising objectives, principles, structure and content.

12. The experts indicated that the objectives of the Standard Rules should be precisely stated, aim at ensuring full participation on an equal basis in the

affairs of society, and focus on the theme "A society for all". The need was to change society so that it accommodated people with disabilities rather than to change the individual with a disability to fit into society. It was noted that, in contrast to conventions, the Standard Rules were not compulsory, but would serve as a basis for measuring how far States had advanced towards achieving desirable standards. It therefore carried considerable moral weight.

13. The experts emphasized that the Rules should be global in character, so that they could be universally applicable and acceptable. Special attention, however, should be given to technical assistance for developing countries. A number of participants called for the development of action-oriented rules, focusing on action at the national level, with provisions to monitor their implementation. The Rules should be built upon existing documents relating to the rights of persons with disabilities, with a view to breaking barriers that prevented persons with disabilities from integrating into society.

14. The experts agreed on a preliminary format of the Standard Rules and requested that by the second session a draft text should be available. The experts pointed out that topics for the Standard Rules should meet the real needs and aspirations of persons with disabilities and cover all areas of disability. The Working Group also asked the Secretariat to prepare a working paper, setting out various options based on United Nations monitoring experience for consideration by the Working Group at its second session.

Second session

15. In the second session a draft text of the Standard Rules on the Equalization of Opportunities for Disabled Persons was submitted to the Working Group. In the light of changes and amendments proposed by the experts, the Working Group agreed on a revised text of the draft Standard Rules, including an introduction, a preamble and chapter I (Preconditions for equal participation), chapter II (Target areas for equal participation) and chapter III (Implementation measures). Several experts voiced their concern about certain words used in the translated versions of the draft Standard Rules, since some of those terms had clear negative connotations. It was decided that for the final version of the Standard Rules the Secretariat should provide the translators with an updated list of such terminology.

16. As a basis for discussion on the proposed chapter IV (Monitoring mechanism), a working paper on United Nations monitoring experience was introduced by the Secretariat. In discussions on that subject, the experts stressed the importance of developing an effective, dynamic and ongoing monitoring mechanism, which would contribute to the successful implementation of the Rules. It was agreed that the objective of the monitoring system should be to measure progress, identify obstacles and recommend solutions. Rather than passing judgement on the performance of States, the monitoring system should establish constructive dialogues, including technical assistance and advice, to Governments. The need to closely involve non-governmental organizations, especially organizations of persons with disabilities, in the monitoring exercise was stressed. The monitoring system should take into consideration the economic, social and cultural features existing in the different regions of the world, with special attention to developing countries. Several experts voiced their concern about financial and organizational constraints as well as the need to gain the financial commitment of the Governments. A draft text of chapter IV should be elaborated for the third session.

Third session

17. In the third session, the Rapporteur invited the Working Group to submit their final comments on the draft Standard Rules. The plenary then reviewed the draft text in the light of proposed changes and amendments. Wherever possible, adjustments on amendments were made without the reopening of the debate that had taken place in the second session. The experts agreed on the introduction, the preamble and chapters I-III of the text of the draft Standard Rules. They also provided the translators with the different suggestions for the translation of the text of the draft Standard Rules into the official languages of the United Nations.

18. In order to enable the Working Group to choose a suitable monitoring mechanism for the Standard Rules, a paper containing three options for such a mechanism had been prepared by the Secretariat. The three options comprised (a) the appointment of a Special Rapporteur; (b) the circulation of questionnaires; and (c) the elaboration of comprehensive reports from a selected number of countries on the implementation of the Standard Rules. In discussions on the subject, a number of differing views were raised. Some experts expressed their concern about the financial implication of the monitoring mechanism. However, most experts underlined the fact that, given the non-binding nature of the Standard Rules, they would serve no purpose unless accompanied by implementation measures. Therefore, the elaboration of an effective monitoring mechanism to further the implementation of the Standard Rules was crucial to the future status of the document. The experts agreed that they should strive to reach a consensus on the subject. Some experts proposed that the monitoring mechanism could be of a gradual nature and initially be based on a simple and low-cost option. The experts stressed that the participation of organizations of persons with disabilities at all stages of the monitoring process was vital to the effectiveness of the exercise. They proposed that a panel of experts from international organizations of persons with disabilities should be established and consulted in the monitoring exercise. In the light of the discussions on the subject, the experts finally agreed on a compromise proposal for the monitoring mechanism.

19. The representative of the United States of America reserved the position of his Government with respect to the draft Standard Rules recommended by the Working Group and said that his Government was not able to support the draft Rules as they stood. He stated that the draft Rules should be amended to provide more flexibility with respect to the responsibilities of States. The draft Rules should also be amended to eliminate the suggestion that they were likely to become customary international law. The representative said that the draft Rules in their current form were too vague and problematic to be a basis for a monitoring mechanism. However, some kind of implementing plan might render them suitable for monitoring. The representative of Brazil expressed the reservation of his Government to the draft Standard Rules in their entirety recommended by the Working Group.

Appendix I

LIST OF PARTICIPANTS

Government experts

Algeria

Fatma Zohra Ksentini (second session), Moncef Khene (second session), Djelloul Tabet (third session)

Australia

Heather Butow, Brian Burdekin (first session), Anna George (first and second sessions), Graeme Innes (second and third sessions), Peter Thomson (second session), Joan Sheedy (third session)

Austria

Johann Unger

Bahrain

Mahmood Ebrahim Al-Dhaen

Belarus

Vladimir Korolev

Belgium

Daniel Tresegnie

Benin

Constance Facia (second and third sessions)

Bolivia

Mary Azzarini (first session), Beatriz Barbery de Urquidi (second and third sessions), Isabel Dalenz de Vidaurre (second session)

Botswana

Cheleketo Iho E. Omphile (second session)

Brazil

Antonio Humberto C.A.F. Braga (second and third sessions)

Bulgaria

Rossen Popov (third session)

Burundi

Anicet Nijimbere (second session)

Cameroon

Leopold Enyegue Mongo (second and third sessions)

Canada

Joan Westland (second session), Stephen Moran (second and third sessions), David L. Dockendorff (second session), S. Potter (third session)

China

Ding Qiwen, Wang Ning (first session), Mengxin Wei (third session)

Colombia

Elsa Victoria Muñoz de Arenas (first and second sessions), Patricia Koppel-Duran (first session), Maria Consuelo Jauregui (third session)

Costa Rica

José Chacón Solis (first session), Stella Aviram Neuman (third session)

Cuba

Nery Rodriguez (second session)

Czechoslovakia

Jan Brázdil, Jan Prusak (first session)

Denmark

Margit Birgitte Jespersen

Ecuador

Eugenio Santoro Peñaherrera (second and third sessions), Leonardo Arizaga (third session)

Finland

Kalle Könkkölää (second and third sessions)

France

Danièle Refuveille

Gabon

Alice Lamou (second and third sessions), Jeanne Sima (second and third sessions)

Ghana

Kofi Adu

Greece

N. Drakos (third session)

Haiti

Denise Fouchard (first session)

Hungary

Mihály Dihen (first session), György Könczei (second and third sessions), Lajos Kullmann (second and third sessions)

Indonesia

Waluyono (first session), T. Andradjati (first and third sessions), Andi Nurhaida (first session), Ghaffar Fadyl (third session), I. Gusti Agung Wesaka Puja (third session)

Iran (Islamic Republic of)

Seyed Majid Mirkhani, Masoud Nili (third session)

Iraq

Saad Hamid Majid (second and third sessions), Khalil Al-Hadithi (second and third sessions)

Italy

Maria Rita Saulle, Gianni Ghisi (first session)

Japan

Kunio Nakamura, Satoru Miyata, Daisuke Ikeda (third session)

Kuwait

Abdul Hamid Al-Awadhi (second session), Ali Sulaiman Al-Saeid (second session), Mutib Al-Mutoteh (second session)

Lebanon

Roukia El Jisr Chaar (first and third sessions)

Libya

Khaled Jameel (first session), Abdelhamid Al Mehdi Al Merwas (third session), Fatma Ahmed Girgab (third session), Ismail Mohamed Gharsa (third session)

Luxembourg

Jacques Hyppolite Linster (third session)

Malaysia

Ishaya El-Khoury (first session), Mohammed Hassan bin Haji Ngah Mahmud (second and third sessions)

Malta

Alfred Brezzina (second session)

Morocco

Mohammed Ait Hmid (first session)

Nepal

Shashi Bickram Shah (second and third sessions)

Netherlands

Marianne Aalders

Nicaragua

Humberto Carrión (second session), Virginia Espinosa (second session), Supaya I. Padilla Tercero (second session), Xavier Argüello Hurtado (third session)

Nigeria

M. I. Omuso (third session)

Norway

Anne-Margrethe Brandt, Heidi Stien (first session), Aud Marit Wiig (first session), May Cecilie Lossius (second and third sessions), Audhild Nydal Enger (third session)

Oman

Abdullah bin Hamed Al-Riyami (third session)

Pakistan

S. M. Hasan (first session)

Panama

Diana Chávez Centeno (third session)

Peru

Fernando Medrano (second session), Luis Villar Aguirre (third session)

Philippines

Zeno O. Zuñiga, Thelma Castillo (first and third sessions), Noel Servigou (first session), Linglingay F. Lacanlale (third session)

Poland

Pawel Grzesik (first session), Maria Mossakowska (second session), Ireneusz Matela, Stanislaw Jakubowski (third session)

Qatar

Mohammed Al-Haiyki (third session)

Romania

Rodica Munteanu, Eliza Sirbu (third session)

Russian Federation

Valery Burkov, Anatoly I. Ossadch (first session), Viktori Antipov (first session), Tatjana Smirnova (first and third sessions), Yuri Lunkov (first session), Boris Avramenko (first session), O. Krylova (second session), P. M. Marguiev (third session), A. A. Grichkovets (third session), T. P. Kazamurowa (third session)

Rwanda

Jeanne Mukashyaka (second session)

Saudi Arabia

Essa Al-Nowaiser (second and third sessions), Fahad Al-Zeid (second and third sessions), Nabil Ashri (first and second sessions), Abdul Rahman Al-Beshri (third session)

Senegal

Pascal Ndong (first session), Abdou Karim Lo (third session)

South Africa

J.F.J. Hattingh (second session), G. G. Wolvaardt (first and third sessions), G. van Zyl (third session), J. Viljoen (third session)

Spain

Aurelio Fernández, Antonio Herrero (first and third sessions)

Sudan

Hamdan Abdelnabi (first and third sessions)

Swaziland

P.M.L. Vilakazi, Khosi Mabuza (first and second sessions), Makama Tars, Samuel Francis Nkosi (first and third sessions), Sindisiwe Mabuza (second and third sessions)

Sweden

Ethel Wiklund, Bertil Mathsson, Eva Sandborg, Roland Johansson (first and second sessions), Johanna Brismar Skoog (third session)

Syrian Arab Republic

Randa Taher (second session), Intissar Al Khyami (third session)

Thailand

Kanittha Dhevinpukdi

Togo

Tanté Tchalla (second and third sessions)

Trinidad and Tobago

Lydia Pierre

Tunisia

Houcine Louhichi (second and third sessions)

Turkey

Gülay Aslantepe

Uganda

Jackson Mirembe (second and third sessions)

Ukraine

Yuri Vasilevich Kostenko (first and second sessions),
Sergei Konstantinovich Prodan

United Kingdom of Great Britain and Northern Ireland

Keith Jacobsen (second session), Anthony J. Hennessy (second and third sessions)

United States of America

Sandra Swift Parrino (third session), John A. Gannon (third session), Larry Brown (third session), Crayon C. Efird (third session)

Venezuela

Alfredo Magno Silva Armas (second session)

Yemen

Saeed Sharaf Badr (second session), Abdul Qawi Al-Eryani (second session)

States Members of the United Nations represented by observers

Germany, South Africa (first session), United States of America (first and second sessions)

Non-member States represented by observers

Holy See, Switzerland

United Nations bodies represented by observers

Office of the United Nations High Commissioner for Refugees, United Nations Development Programme

United Nations Secretariat

Centre for Human Rights (United Nations Office at Geneva), Centre for Social Development and Humanitarian Affairs (United Nations Office at Vienna)

Commission for Social Development (second and third sessions)

Specialized agencies

International Labour Office, United Nations Educational, Scientific and Cultural Organization, World Health Organization

Other intergovernmental organizations represented by observers

Commission of the European Communities, Council of Europe, League of Arab States, Organization of African Unity

Liberation movements

African National Congress (third session)

Non-governmental organizations

Category I: World Veterans Federation

Category II: Disabled Peoples' International, International League of Societies for Persons with Mental Handicap, Pax Romana, Rehabilitation International, World Blind Union, World Federation of the Deaf

International Council on Disability

Appendix II

DRAFT STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR PERSONS WITH DISABILITIES

INTRODUCTION

Background and current needs
Previous international action
Towards Standard Rules
Purpose and content of the Standard Rules for the Equalization of Opportunities for Persons with Disabilities
Fundamental concepts in disability policy

PREAMBLE

I. PRECONDITIONS FOR EQUAL PARTICIPATION

Rule 1: Awareness raising
Rule 2: Medical care
Rule 3: Rehabilitation
Rule 4: Support services

II. TARGET AREAS FOR EQUAL PARTICIPATION

Rule 5: Accessibility
Rule 6: Education
Rule 7: Employment
Rule 8: Income maintenance and social security
Rule 9: Family life and personal integrity
Rule 10: Culture
Rule 11: Recreation and sports
Rule 12: Religion

III. IMPLEMENTATION MEASURES

Rule 13: Information and research
Rule 14: Policy-making and planning
Rule 15: Legislation
Rule 16: Economic policies
Rule 17: Coordination of work
Rule 18: Organizations of persons with disabilities
Rule 19: Personnel training
Rule 20: National monitoring and evaluation of disability programmes in the implementation of the Standard Rules
Rule 21: Technical and economic cooperation
Rule 22: International cooperation

IV. MONITORING MECHANISM

INTRODUCTION

Background and current needs

1. There are persons with disabilities in all parts of the world and at all levels in every society. The number of persons with disabilities in the world is large and is growing.

2. Both the causes and the consequences of disability vary throughout the world. These variations are the result of different socio-economic circumstances and of the different provisions that States make for the well-being of their citizens.

3. Present disability policy is the result of developments over the last 200 years. In many ways it reflects the general living conditions and social and economic policies of different times. In the disability field, however, there are also many specific circumstances which have influenced the living conditions of persons with disabilities. Ignorance, neglect, superstition and fear are social factors which throughout the history of disability have delayed the development of and isolated persons with disabilities.

4. Over the years disability policy developed from elementary care at institutions to education for children with disabilities and rehabilitation for persons who became disabled during adult life. Through education and rehabilitation persons with disabilities became more active and a driving force in the further development of disability policy. Organizations of persons with disabilities, their families and advocates were formed, which advocated better conditions for persons with disabilities. After the Second World War the concepts of integration and normalization were introduced, which reflected a growing awareness of the capabilities of persons with disabilities.

5. Towards the end of the 1960s organizations of persons with disabilities in some countries started to formulate a new concept of disability. This new concept indicated the close connection between the limitation experienced by individuals with disabilities, the design and structure of their environments and the attitude of the general population. At the same time the problems of disability in developing countries were more and more highlighted. In some of those countries the percentage of the population with disabilities was estimated to be very high and for the most part persons with disabilities were extremely poor.

Previous international action

6. The rights of persons with disabilities have been the subject of much attention in the United Nations and other international organizations over a long period of time. The most important outcome of the International Year of Disabled Persons (1981) was the World Programme of Action concerning Disabled Persons, 1/ adopted by the General Assembly in its resolution 37/52. The International Year of Disabled Persons and the World Programme of Action provided a strong impetus for progress in the field. They both emphasized the right of persons with disabilities to the same opportunities as other citizens and to an equal share in the improvements in living conditions resulting from

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1/ A/37/351/Add.1 and Add.1/Corr.1, annex, sect. VIII.

economic and social development. Here, also, for the first time, handicap was defined as a function of the relationship between persons with disabilities and their environment.

7. The Global Meeting of Experts to Review the Implementation of the World Programme of Action concerning Disabled Persons at the Mid-Point of the United Nations Decade of Disabled Persons was held at Stockholm in 1987. It was suggested at that Meeting that a guiding philosophy should be developed to indicate the priorities for action in the years ahead. The basis of this philosophy should be the recognition of the rights of persons with disabilities.

8. Consequently, the Meeting recommended that the General Assembly should convene a special conference in order to draft an international convention on the elimination of all forms of discrimination against persons with disabilities, to be ratified by States by the end of the Decade.

9. A draft outline of the convention was prepared by Italy and presented to the General Assembly at its forty-second session. Further representations concerning a draft convention were made by Sweden at the General Assembly at its forty-fourth session. However, on both occasions no consensus could be reached on the suitability of such a convention. In the opinion of many representatives, existing human rights documents seemed to guarantee persons with disabilities the same rights as other persons.

Towards Standard Rules

10. Guided by the deliberations in the General Assembly, the Economic and Social Council, at its first session of 1990, finally agreed to concentrate on the elaboration of an international instrument of a different kind. In its resolution 1990/26 the Council authorized the Commission for Social Development to consider, at its thirty-second session, the establishment of an ad hoc open-ended working group of government experts, funded by voluntary contributions, to elaborate Standard Rules on the equalization of opportunities for disabled children, youth and adults, in close collaboration with the specialized agencies, other intergovernmental organizations and non-governmental organizations, especially organizations of persons with disabilities themselves. The Council also requested the Commission to finalize the text of those Rules for consideration in 1993 and for submission to the General Assembly at its forty-eighth session.

11. The subsequent discussions in the Third Committee of the General Assembly at the Assembly's forty-fifth session showed that there was wide support for the new initiative to elaborate Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

12. At the thirty-second session of the Commission for Social Development, the initiative for standard rules received the support of a large number of representatives and discussions led to the adoption of resolution 32/2, in which it was decided to establish the Ad Hoc Open-Ended Working Group in accordance with Economic and Social Council resolution 1990/26.

Purpose and content of the Standard Rules for the Equalization of Opportunities for Persons with Disabilities

13. The Standard Rules for the Equalization of Opportunities for Persons with Disabilities in the present document have been developed on the basis of the

experience gained during the United Nations Decade of Disabled Persons (1983-1992). 2/ The International Bill of Human Rights, comprising the Universal Declaration of Human Rights, 3/ the International Covenant on Economic, Social and Cultural Rights, 4/ and the International Covenant on Civil and Political Rights, 4/ the Convention on the Rights of the Child 5/ and the Convention on the Elimination of All Forms of Discrimination against Women, 6/ as well as the World Programme of Action concerning Disabled Persons constitute the political and moral foundation for these Rules.

14. Although these Rules are not compulsory, they can become international customary rules when they are applied by a great number of States with the intention of respecting a rule in international law. They imply a strong moral and political commitment on behalf of States to take action for the equalization of opportunities. Important principles for responsibility, action and cooperation are indicated. Areas of decisive importance for the quality of life and for the achievement of full participation and equality are pointed out. These Rules offer an instrument for policy-making and action to persons with disabilities and their organizations. They provide a basis for technical and economic cooperation among nations, the United Nations and other international organizations.

15. The purpose of these Rules is to ensure that girls, boys, women and men with disabilities as citizens of their societies may exercise the same rights and obligations as others. In all societies of the world there are still obstacles preventing persons with disabilities from exercising their rights and freedoms and making it difficult for them to participate fully in the activities of their societies. It is the responsibility of States to take appropriate action to remove such obstacles. Persons with disabilities and their organizations should play an active role as partners in this process. The equalization of opportunities for persons with disabilities is an essential contribution in the general and worldwide effort to mobilize human resources. Special attention may need to be directed towards groups such as women, children, the elderly, the poor, migrant workers, persons with dual or multiple disabilities, indigenous persons and ethnic minorities. In addition, there are a large number of refugees with disabilities with special needs which require attention.

Fundamental concepts in disability policy

16. The following concepts appear throughout this document. They are basically built on the concepts in the World Programme of Action concerning Disabled Persons. In some cases they reflect the development which has taken place during the United Nations Decade of Disabled Persons.

2/ Proclaimed by the General Assembly in its resolution 37/53.

3/ General Assembly resolution 217 A (III), annex.

4/ General Assembly resolution 2200 A (XXI), annex.

5/ General Assembly resolution 44/25, annex.

6/ General Assembly resolution 34/180, annex.

Disability and handicap

17. The term "disability" summarizes a great number of different functional limitations occurring in any population in all countries of the world. People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses may be permanent or transitory in nature.

18. Handicap is the loss or limitation of opportunities to take part in the life of the community on an equal level with others. The term "handicap" describes the encounter between the person with a disability and the environment. The purpose of this term is to emphasize the focus on the shortcomings in the environment and in many organized activities in society, for example, information, communication and education, which prevent persons with disabilities from participating on equal terms.

19. This use of the two terms disability and handicap should be seen in the light of modern disability history. During the 1970s there was a strong reaction among representatives of organizations of persons with disabilities and professionals in the field of disability against the terminology of the time. The terms disability and handicap were often used in an unclear and confusing way, which gave poor guidance for policy-making and for political action. The terminology reflected a medical and diagnostic approach, which ignored the imperfections and deficiencies of the surrounding society.

20. In 1980, the World Health Organization adopted an international classification of impairment, disability and handicap (ICIDH), which suggested a more precise and at the same time relativistic approach. This classification makes a clear distinction between impairment, disability and handicap. ICIDH has been extensively used in areas such as rehabilitation, education, statistics, policy, legislation, demography, sociology, economics and anthropology. Some users have expressed concern that ICIDH, in its definition of the term handicap, may still be considered too medical and too centred on the individual, and may not adequately clarify the interaction between societal conditions or expectations and the abilities of the individual. These concerns, and others which have been expressed by users over the past 12 years since the publication of ICIDH, will be addressed in forthcoming revisions of ICIDH.

21. Based on experiences in connection with the implementation of the World Programme of Action and on the general discussion which occurred during the United Nations Decade of Disabled Persons there was a deepening of knowledge and extension of understanding concerning disability issues and the terminology used. Current terminology recognizes the necessity of addressing both the individual needs (such as rehabilitation and technical aids) and the shortcomings of the society (various obstacles for participation).

Prevention

22. Prevention means action aimed at preventing the occurrence of physical, intellectual, psychiatric or sensory impairments (primary prevention) or at preventing impairments from causing a permanent functional limitation or disability (secondary prevention). Prevention may include many different types of action such as primary health care, pre-natal and post-natal child care, education in nutrition, immunization campaigns against communicable diseases, measures to control endemic diseases, safety regulations, programmes for the prevention of accidents in different environments, including adaptation of

workplaces to prevent occupational disabilities and diseases, and prevention of disability which results from pollution of the environment or armed conflict.

Rehabilitation

23. Rehabilitation is a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric and/or social functional levels, thus providing them with the tools to change their lives towards a higher level of independence. Rehabilitation may include measures to provide and/or restore functions, or compensate for the loss or absence of a function or for a functional limitation. The rehabilitation process does not involve initial medical care. It includes a wide range of measures and activities from more basic and general rehabilitation to goal-oriented activities, for instance vocational rehabilitation.

Equalization of opportunities

24. Equalization of opportunities means the process through which the various systems of society and the environment, such as services, activities, information and documentation, are made available to all, particularly persons with disabilities.

25. The principle of equal rights implies that the needs of each and every individual are of equal importance, that these needs must be made the basis for the planning of societies and that all resources must be employed in such a way as to ensure that every individual has equal opportunity for participation.

26. Persons with disabilities are members of society and have the right to remain within their local communities and they should receive the support they need within the ordinary structures of education, health, employment and social services.

27. As persons with disabilities achieve equal rights, they should also have equal obligations. As these rights are being achieved, societies should raise their expectations of persons with disabilities. As part of the process of equal opportunities, provision should be made to assist persons with disabilities to assume their full responsibility as members of society.

PREAMBLE

28. Mindful of the pledge made by States, under the Charter of the United Nations, to take joint and separate action in cooperation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development,

29. Reaffirming the commitment to human rights and fundamental freedoms, social justice and the dignity and worth of the human person proclaimed in the Charter,

30. Recalling in particular the international standards on human rights which have been laid down in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights,

31. Noting that these instruments proclaim that the rights recognized therein should be ensured equally to all individuals without discrimination,

32. Recalling the provisions of the Convention on the Rights of the Child which prohibit discrimination on the basis of disability and require special measures to ensure the rights of children with disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 7/ which provides for some protective measures against disability,

33. Recalling also the provisions in the Convention on the Elimination of All Forms of Discrimination against Women to ensure the rights of girls and women with disabilities,

34. Having regard to the Declaration on the Rights of Disabled Persons, 8/ the Declaration on the Rights of Mentally Retarded Persons, 9/ the Declaration on Social Progress and Development, 10/ the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, 11/ and other relevant instruments adopted by the General Assembly,

35. Also having regard to the relevant conventions and recommendations adopted by the International Labour Organisation, with particular reference to participation in employment without discrimination for persons with disabilities,

36. Mindful of the relevant recommendations and work of the United Nations Educational, Scientific and Cultural Organization, in particular the World Declaration on Education for All, 12/ the World Health Organization, the United Nations Children's Fund and other concerned organizations,

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7/ General Assembly resolution 45/158, annex.

8/ General Assembly resolution 3447 (XXX).

9/ General Assembly resolution 2856 (XXVI).

10/ General Assembly resolution 2542 (XXIV).

11/ General Assembly resolution 46/119, annex.

37. Having regard to the commitment made by States concerning the protection of the environment,

38. Mindful of the devastation caused by armed conflict and deploring the use of scarce resources in the production of weapons,

39. Recognizing that the World Programme of Action concerning Disabled Persons and the definition therein of "equalization of opportunities" represent earnest ambitions by the international community to render these various international instruments and recommendations of practical and concrete significance,

40. Acknowledging that the objective of the United Nations Decade of Disabled Persons (1983-1992) to implement the World Programme of Action is still valid, and requires urgent and continued action,

41. Recalling that the World Programme of Action is based on concepts which are equally valid in developing as well as industrialized countries,

42. Convinced that intensified efforts are needed to achieve the full and equal enjoyment of human rights and participation in society by persons with disabilities,

43. Reemphasizing that persons with disabilities, their parents/guardians/advocates and their organizations must be active partners with States in the planning and implementation of all measures affecting their civil, political, economic, social and cultural rights,

44. Complying with resolution 1990/26 of the Economic and Social Council, and basing themselves on the detailed enumeration in the World Programme of Action of specific measures required for the attainment by persons with disabilities of equality with others,

States have adopted the Standard Rules on the Equalization of Opportunities for Disabled Persons outlined below in order:

(a) To underline that all action in the field of disability presupposes adequate knowledge and experience of the conditions and special needs of persons with disabilities;

(b) To emphasize that the process through which every aspect of societal organization is made accessible to all is a basic objective of socio-economic development;

(c) To outline crucial aspects of social policies in the field of disability, including, as appropriate, the active encouragement of technical and economic cooperation;

12/ Final Report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 5-9 March 1990, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, New York, 1990, appendix 1.

(d) To provide models for the political decision-making process required for the attainment of equal opportunities, bearing in mind the widely differing technical and economic levels, the fact that the process must reflect keen understanding of the cultural context within which it takes place and the crucial role of persons with disabilities in it;

(e) To propose national mechanisms for close collaboration among States, the organs of the United Nations system, other intergovernmental bodies and organizations of persons with disabilities;

(f) To propose an effective machinery for monitoring the process by which States seek to attain the equalization of opportunities for persons with disabilities.

I. PRECONDITIONS FOR EQUAL PARTICIPATION

Rule 1: Awareness raising

States should take action to raise awareness in society about persons with disabilities, their rights, their needs, their potential, and their contribution.

45. States should ensure that responsible authorities distribute up-to-date information on available programmes and services to persons with disabilities, their families, professionals in this field and the general public. Information to persons with disabilities should be presented in accessible forms.

46. States should initiate and support information campaigns concerning persons with disabilities and disability policies, conveying the message that persons with disabilities are citizens with the same rights and obligations as others, thus justifying measures to remove all obstacles to full participation.

47. States should encourage the portrayal of persons with disabilities by the mass media in a positive way; organizations of persons with disabilities should be consulted on this matter.

48. States should ensure that public education programmes reflect in all their aspects the principle of full participation and equality.

49. States should invite persons with disabilities and their families and organizations to participate in public education programmes concerning disability matters.

50. States should encourage enterprises in the private sector to include disability issues in all aspects of their activity.

51. States should initiate and promote programmes aimed at raising the level of awareness of persons with disabilities concerning their rights and potential. Increased self-reliance and empowerment will assist persons with disabilities to take advantage of the opportunities available to them.

52. Awareness-raising should be an important part of the education of children with disabilities and in rehabilitation programmes. Persons with disabilities could also assist each other in awareness-raising through the activities of their own organizations.

53. Awareness-raising should be part of the education of all children and should be a component of teacher training courses and training of all professionals.

Rule 2: Medical care

States should ensure the provision of effective medical care to persons with disabilities.

54. States should work towards the provision of programmes run by multidisciplinary teams of professionals for early detection, assessment and treatment of impairment. This could prevent, reduce or eliminate disabling effects. Such programmes should ensure full participation of persons with disabilities

and their families at the individual level, and of organization of persons with disabilities at the planning and evaluation level.

55. Local community workers should be trained to participate in areas such as early detection of impairments, the provision of primary assistance and referral to appropriate facilities.

56. States should ensure that persons with disabilities are provided with the same level of medical care within the same system as other members of society.

57. States should ensure that all medical and paramedical personnel are adequately trained and equipped to give medical care to persons with disabilities and that they have access to relevant treatment methods and technology.

58. States should ensure that medical, paramedical and related personnel are adequately trained so that they do not give inappropriate advice to parents, thus restricting options for their children. This training should be an ongoing process, and should be based on the latest information available.

59. States should ensure that persons with disabilities are provided with any regular treatment and medicines they may need to preserve or improve their level of functioning.

Rule 3: Rehabilitation*

States should ensure the provision of rehabilitation services to persons with disabilities in order for them to reach and sustain their optimum level of independence and functioning.

60. States should develop national rehabilitation programmes for all groups of persons with disabilities. Such programmes should be based on the actual individual needs of persons with disabilities and on the principles of full participation and equality.

61. Such programmes should include a wide range of activities, such as basic skills training to improve or compensate for an affected function, counselling of persons with disabilities and their families, developing self-reliance, and occasional services such as assessment and guidance.

62. All persons with disabilities, including persons with severe and/or multiple disabilities who require rehabilitation should have access to it.

63. Persons with disabilities and their families should be able to participate in the design and organization of rehabilitation services concerning themselves.

64. Rehabilitation services should, as far as possible, be available in the local community, where the person with disabilities lives. For some special training purposes, residential rehabilitation courses of limited duration may be organized if that is considered to be more favourable in order to attain a certain training objective.

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*Rehabilitation is a fundamental concept in disability policy and is defined in paragraph 20 above.

65. Persons with disabilities and their families should be encouraged to involve themselves in rehabilitation, for instance as trained teachers, instructors or counsellors.

66. States should draw upon the expertise of organizations of persons with disabilities when formulating or evaluating rehabilitation programmes.

Rule 4: Support services

States should ensure the development and supply of support services including assistive devices for persons with disabilities to assist them to increase their level of independence in their daily living and to exercise their rights.

67. States should ensure the provision of assistive devices and equipment, personal assistance and interpreter services according to the needs of persons with disabilities, as important measures to achieve the equalization of opportunities.

68. States should support the development, production, distribution and servicing of assistive devices and equipment and the dissemination of knowledge about them.

69. To achieve this, generally available technical know-how should be utilized. In States where high technology industry is available, it should be fully utilized to improve the standard and effectiveness of assistive devices and equipment. It is important to stimulate the development and production of simple and inexpensive devices, when possible using local material and local production facilities. Persons with disabilities themselves could be involved in the production of these devices.

70. States should recognize that all persons with disabilities who need assistive devices should have access to them as appropriate, including financial accessibility. This may mean that assistive devices and equipment should be provided free of charge or at such a low price that persons with disabilities or their families can afford to buy them.

71. In rehabilitation programmes for the provision of assistive devices and equipment States should consider the special requirements of girls and boys with disabilities concerning the design, durability and age-appropriateness of assistive devices and equipment.

72. States should support the development and provision of personal assistance programmes and interpretation services especially for persons with severe and/or multiple disabilities. Such programmes would increase the level of participation of persons with disabilities in everyday life, at home, at work, in school and during leisure-time activities.

73. Personal assistance programmes should be designed in such a way that the persons with disabilities using the programmes have a decisive influence on the way in which the programmes are delivered.

II. TARGET AREAS FOR EQUAL PARTICIPATION

Rule 5: Accessibility

States should recognize the overall importance of accessibility in the process of the equalization of opportunities in all spheres of society. For persons with disabilities of any kind, States should (a) introduce programmes of action to make the physical environment accessible; and (b) undertake measures to provide access to information and communication.

(a) Access to the physical environment

74. States should initiate measures to remove the obstacles to participation in the physical environment. Such measures could be to develop standards and norms for accessibility to various areas in society, for instance concerning buildings, means of transportation, streets and other outdoor environments.

75. States should consider enacting legislation to ensure accessibility in different areas of society, such as housing, public buildings and public transport services.

76. States should ensure that architects, construction engineers and others who are professionally involved in the design and construction of the physical environment have access to adequate information on disability policy and measures to achieve accessibility.

77. Accessibility requirements should be included in the design and construction of the physical environment from the beginning of the designing process.

78. Organizations of persons with disabilities should be consulted when developing standards and norms for accessibility. They should also be involved locally from the initial planning stage when public construction projects are being designed, thus ensuring maximum accessibility.

(b) Access to information and communication

79. Persons with disabilities and, where appropriate, their families and advocates should have access to full information on diagnosis, rights and available services and programmes, at all stages. Such information should be presented in forms accessible to people with disabilities.

80. States should develop strategies to make information services and documentation accessible for different groups of people with disabilities. Braille, tape services, large print and other appropriate technologies should be used to provide access to written information and documentation for persons with visual impairments. Similarly, appropriate technologies should be used to provide access to spoken information for persons with auditory impairments or comprehension difficulties.

81. Consideration should be given to the use of sign language in the first instance in the education of deaf children, in their families and communities. Sign language interpretation services should also be provided to facilitate the communication between deaf persons and others.

82. Consideration should also be given to the needs of people with other communication disabilities.

83. States should encourage media, especially television, radio and newspapers, to make their services accessible.

84. States should ensure that new computerized information and service systems offered to the general public are either made initially accessible or are adapted to be made accessible to persons with disabilities.

85. Organizations of persons with disabilities should be consulted when developing measures to make information services accessible.

Rule 6: Education

States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. They should ensure that the education of persons with disabilities is an integral part of the educational system.

86. General educational authorities are responsible for the education of persons with disabilities in integrated settings. Education for persons with disabilities should form an integral part of national educational planning, curriculum development and school organization.

87. Education in mainstream schools presupposes the provision of interpreter and other appropriate support services. Adequate accessibility and support services, designed to meet the needs of persons with different disabilities, should be provided.

88. Parent groups and organizations of persons with disabilities should be involved in the education process at all levels.

89. In States where education is compulsory it should be provided to girls and boys with all kinds and all levels of disabilities, including the most severe.

90. Special attention should be given in the following areas:

(a) Very young children with disabilities;

(b) Pre-school children with disabilities;

(c) Adults with disabilities, particularly women.

91. To accommodate educational provisions for persons with disabilities in the mainstream, States should:

(a) Have a clearly stated policy, understood and accepted at the school level and by the wider community;

(b) Allow for curriculum flexibility, addition and adaptation;

(c) Provide for quality materials, ongoing teacher training and support teachers.

92. Integrated education and community-based programmes should be seen as complementary approaches in providing cost-effective education and training for persons with disabilities. National community-based programmes should

encourage communities to use and develop their resources to provide local education to persons with disabilities.

93. If, for any reason, the facilities of the general school system are inadequate for those with severe or multiple disabilities, schooling for such persons should then be provided for an appropriate period of time in special facilities. The quality of those special facilities should be equal to those of the general school system and closely linked to it.

94. Special schools should have an outward-looking approach. They should provide resource support to other schools, parents and community programmes, and take on advisory, training and information dissemination roles.

95. Due to the particular communication needs of deaf and deaf/blind persons, their education may be more suitably provided in schools for such persons or special classes and units in mainstream schools.

Rule 7: Employment

States should recognize the principle that persons with disabilities must be empowered to exercise their human rights particularly in the field of employment. Both in rural and urban areas they must have equal opportunities for productive and gainful employment in the labour market.

96. Laws and regulations in the employment field must not discriminate against persons with disabilities and must not raise obstacles to their employment.

97. States should actively support the integration of persons with disabilities into open employment. This active support could occur through a variety of measures, such as vocational training, incentive-oriented quota schemes, reserved or designated employment, loans or grants for small business, exclusive contracts or priority production rights, tax concessions, contract compliance or other technical or financial assistance to enterprises employing workers with disabilities. States should also encourage employers to make reasonable adjustments to accommodate persons with disabilities.

98. States' action programmes should include:

(a) Measures to design and adapt workplaces and work premises in such a way that they become accessible for persons with different disabilities;

(b) Support for the use of new technologies and the development and production of assistive devices, tools and equipment and measures to facilitate access to such devices and equipment for persons with disabilities, to enable them to gain and maintain employment;

(c) Provision of appropriate training and placement and ongoing support such as personal assistance and interpreter services.

99. States should initiate and support public awareness-raising campaigns designed to overcome negative attitudes and prejudices concerning workers with disabilities.

100. In their capacity as employers States should create favourable conditions for the employment of persons with disabilities in the public sector.

101. States, workers' organizations and employers should cooperate to ensure equitable recruitment and promotion policies, employment conditions, rates of pay, measures to improve the work environment in order to prevent injuries and impairments, and measures for the rehabilitation of employees who have sustained employment-related injuries.

102. States should make sheltered employment available for persons with disabilities, whose needs cannot currently be met in open employment. However, the aim should always be for persons with disabilities to obtain employment in the open labour market.

103. Measures should be taken to include persons with disabilities in training and employment programmes in the private and informal sectors.

104. States, workers' organizations and employers should cooperate with organizations of persons with disabilities concerning all measures to create training and employment opportunities including flexible hours, part-time work, job-sharing, self-employment and attendant care for persons with disabilities.

Rule 8: Income maintenance and social security

States are responsible for the provision of social security and income maintenance for persons with disabilities.

105. States should ensure the provision of adequate income support to persons with disabilities who, due to disability or disability-related factors, have temporarily lost or received a reduction in their income, have been denied employment opportunities or have such a severe level of disability that they have no or limited income-earning ability. States should ensure that the provision of support takes into account the costs frequently incurred by persons with disabilities and their families as a result of the disability.

106. In countries where social security, social insurance or other social welfare schemes exist or are being developed for the general population, States should ensure that such systems do not exclude or discriminate against persons with disabilities.

107. States should also ensure the provision of income support to individuals who undertake the care of a person with a disability.

108. Social security systems should include incentives to restore the income-earning capacity of persons with disabilities. Such systems should provide or contribute to the organization, development and financing of vocational training. They should also assist with placement services.

109. Social security programmes should also provide incentives for persons with disabilities to seek employment in order to establish or re-establish their income-earning capacity.

110. Income support should be maintained as long as the disabling conditions remain in a manner that does not discourage persons with disabilities from seeking employment. It should only be reduced or terminated when persons with disabilities achieve adequate and secure income.

111. States, in countries where social security is to a large extent provided by the private sector, should encourage local communities, welfare organizations

and families to develop self-help measures and incentives for employment or employment-related activities for persons with disabilities.

Rule 9: Family life and personal integrity

States should promote the full participation of persons with disabilities in family life. They should promote their right to personal integrity, and ensure that laws do not discriminate against persons with disabilities with respect to sexual relationships, marriage and parenthood.

112. Persons with disabilities should be enabled to live with their families. States should encourage the inclusion in family counselling of appropriate modules regarding disability and its effects on family life. Respite-care and attendant-care services should be made available to families which include a person with disabilities. States should remove all unnecessary obstacles to persons who want to foster or adopt a child or adult with disabilities.

113. Persons with disabilities must not be denied the opportunity to experience their sexuality, have sexual relationships and experience parenthood. Taking into account that persons with disabilities may experience difficulties in getting married and setting up a family, States should encourage the availability of appropriate counselling. Persons with disabilities must have the same access as others to family-planning methods, as well as to information in accessible forms on the sexual functioning of their bodies.

114. States should promote measures to change negative attitudes to marriage, sexuality and parenthood of people with disabilities, especially of girls and women with disabilities, which still prevail in society. Media should be encouraged to play an important role in removing such negative attitudes.

115. Persons with disabilities and their families need to be fully informed on taking precautions against sexual and other forms of abuse. Persons with disabilities are particularly vulnerable to abuse in the family, community or in institutions and need to be educated in how to avoid the occurrence of abuse, recognize when abuse has occurred and report on such acts.

Rule 10: Culture

States will ensure that persons with disabilities are integrated into and can participate in cultural activities on an equal basis.

116. States should ensure that persons with disabilities have the opportunity to utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of their community, be they in urban or rural areas. Examples of such activities are dance, music, literature, theatre, plastic arts, painting and sculpture. Particularly in developing countries emphasis should be placed on traditional and contemporary art forms, such as puppetry, recitation and story-telling.

117. States should promote the accessibility to and availability of places for cultural performances and services, such as theatres, museums, cinemas and libraries, to persons with disabilities.

118. States should initiate the development and use of special technical arrangements to make literature, films and theatre accessible to persons with disabilities.

Rule 11: Recreation and sports

States will take measures to ensure that persons with disabilities have equal opportunities for recreation and sports.

119. States should initiate measures to make places for recreation and sports, hotels, beaches, sport arenas, gym halls etc. accessible to persons with disabilities. These measures should encompass support for staff in recreation and sports programmes, including projects to develop methods of accessibility, and participation, information and training programmes.

120. Tourist authorities, travel agencies, hotels, voluntary organizations and others involved in organizing recreational activities or travel opportunities should offer their services to all, taking into account the special needs of persons with disabilities. Suitable training should occur to assist this process.

121. Sports organizations should be encouraged to develop opportunities for participation by persons with disabilities in sports activities. In some cases, accessibility measures could be enough to open up opportunities for participation. In other cases, special arrangements or special games would be needed. States should support the participation of persons with disabilities in national and international events.

122. Persons with disabilities participating in sports activities should have access to instruction and training of the same quality as other participants.

123. Organizers of sports and recreation should consult with organizations of persons with disabilities when developing their services for persons with disabilities.

Rule 12: Religion

States will encourage measures for equal participation by persons with disabilities in the religious life of their communities.

124. States should encourage, in consultation with religious authorities, measures to eliminate discrimination and make religious activities accessible to persons with disabilities.

125. States should encourage information on disability matters to be distributed to religious institutions and organizations. States should also encourage religious authorities to include information on disability policies in the training for religious professions, as well as in religious education programmes.

126. They should also encourage the accessibility of religious literature to persons with sensory impairments.

127. States and/or religious organizations should consult with organizations of persons with disabilities when developing measures for equal participation in religious activities.

III. IMPLEMENTATION MEASURES

Rule 13: Information and research

States assume the ultimate responsibility for the collection and dissemination of information on the living conditions of persons with disabilities and promote comprehensive research on all aspects including obstacles which affect the lives of persons with disabilities.

128. States should, at regular intervals, collect gender-specific statistics and other information concerning the living conditions of persons with disabilities. Such data collection could be conducted in conjunction with national censuses and household surveys and could be undertaken in close collaboration, inter alia, with universities, research institutes and organizations of persons with disabilities. The data collections should include questions on programmes and services and their use.

129. States should consider establishing a data bank on disability, which would include statistics on available services and programmes as well as on the different groups of persons with disabilities. They should bear in mind the need to protect individual privacy and personal integrity.

130. States should initiate and support programmes of research on social, economic and participation issues that affect the lives of persons with disabilities and their families. Such research should include studies on the causes, types and frequencies of disabilities, the availability and efficacy of existing programmes and the need for development and evaluation of services and support measures.

131. States should develop and adopt terminology and criteria for the conduct of national surveys, in cooperation with organizations of persons with disabilities.

132. States should facilitate the participation of persons with disabilities in data collection and research. To undertake such research States should particularly encourage the recruitment of qualified persons with disabilities.

133. States should support the exchange of research findings and experiences.

134. States should take measures to disseminate information and knowledge on disability to all political and administration levels within national, regional and local spheres.

Rule 14: Policy-making and planning

States will ensure that disability aspects are included in all relevant policy-making and national planning.

135. States should initiate and plan adequate policies for persons with disabilities at the national level, and stimulate and support action at regional and local levels.

136. States should involve organizations of persons with disabilities in all decision-making relating to plans and programmes concerning persons with disabilities or affecting their economic and social status.

137. The needs and concerns of persons with disabilities should be incorporated into general development plans and not be treated separately.

138. The ultimate responsibility of States for the situation of persons with disabilities does not relieve others of their responsibility. Anyone in charge of services, activities or the provision of information in society should be encouraged to accept responsibility for making such programmes available to persons with disabilities.

139. States should facilitate the development by local communities of programmes and measures for persons with disabilities. One way of doing this could be to develop manuals or check-lists and provide training programmes for local staff.

Rule 15: Legislation

States have a responsibility to create the legal bases for measures to achieve the objectives of full participation and equality for persons with disabilities.

140. National legislation, embodying the rights and obligations of citizens, should include the rights and obligations of persons with disabilities. States are under an obligation to enable persons with disabilities to exercise their rights including their human, civil and political rights on an equal basis with other citizens. Legislative action may be needed to remove conditions which may adversely affect the lives of persons with disabilities, including harassment and victimization. Any discriminatory provisions against persons with disabilities must be eliminated. There is also a need for special measures and affirmative action programmes. States must ensure that organizations of persons with disabilities are involved in the development of national legislation concerning the rights of persons with disabilities, as well as in the ongoing evaluation of this legislation.

141. National legislation should provide for appropriate sanctions in case of violations of the principles of non-discrimination. National legislation concerning persons with disabilities may appear in two different forms. The rights and obligations may be incorporated in general legislation or contained in special legislation.

142. Special legislation for persons with disabilities may be established in several ways:

(a) By enacting separate legislation, exclusively dealing with disability matters;

(b) By including disability matters within legislation on particular topics;

(c) By mentioning persons with disabilities specifically in the texts that serve to interpret existing legislation.

A combination of these different approaches might be desirable. Affirmative action provisions may also be considered.

143. States may consider establishing formal statutory complaints mechanisms in order to protect the interests of persons with disabilities.

Rule 16: Economic policies

States have the financial responsibility for national programmes and measures to create equal opportunities for persons with disabilities.

144. States should include disability matters in the regular budgets of all national, regional and local government bodies.

145. States, non-governmental organizations and other interested bodies should interact to determine the most effective ways of supporting projects and measures relevant to persons with disabilities.

146. States should consider the use of economic measures (loans, tax exemptions, earmarked grants, special funds etc.) to stimulate and support equal participation by persons with disabilities in society.

147. In many States it may be advisable to establish a disability development fund, which could support various pilot projects and self-help programmes at the grass-roots level.

Rule 17: Coordination of work

States are responsible for the establishment and strengthening of national coordinating committees, or similar bodies, to serve as a national focal point on disability matters.

148. The national coordinating committee or similar bodies should be permanent and based on legal as well as appropriate administrative regulation.

149. A combination of representatives of private and public organizations is most likely to achieve an intersectoral and multidisciplinary composition. Representatives could be drawn from concerned government ministries, organizations of persons with disabilities and non-governmental organizations.

150. Organizations of persons with disabilities should have considerable influence in the national coordinating committee in order to ensure proper feedback of their concerns.

151. The national coordinating committee should be provided with administrative powers and sufficient autonomy and resources to fulfil its responsibilities. It should report to the highest governmental level.

Rule 18: Organizations of persons with disabilities

States should recognize the right of the organizations of persons with disabilities to represent persons with disabilities at national, regional and local levels. States should also recognize the advisory role of organizations of persons with disabilities in decision-making on disability matters.

152. States should encourage and support economically and in other ways the formation and strengthening of organizations of persons with disabilities, family members and/or advocates. States should recognize that these organizations have a role to play in the development of disability policy.

153. States should establish ongoing communication with organizations of persons with disabilities and ensure their participation in the development of government policies.

154. The role of organizations of persons with disabilities could be to identify needs and priorities, to participate in the planning, implementation and evaluation of services and measures concerning the lives of persons with disabilities, and to contribute to public awareness and to advocate change.

155. As instruments of self-help, organizations of persons with disabilities provide and promote opportunities for the development of skills in various fields, mutual support among members and information sharing.

156. Organizations of persons with disabilities could perform their advisory role in many different ways such as having permanent representation on boards of government-funded agencies, serving on public commissions and providing expert knowledge on different projects.

157. The advisory role of organizations of persons with disabilities should be ongoing in order to develop and deepen the exchange of views and information between the State and the organizations.

158. Organizations should be permanently represented on the national coordinating committee or similar bodies.

159. The role of local organizations of persons with disabilities should be developed and strengthened to ensure that they influence matters at the community level.

Rule 19: Personnel training

States are responsible for ensuring the adequate training of personnel, at all levels, involved in the planning and provision of programmes and services concerning persons with disabilities.

160. States should ensure that all authorities providing services in the disability field give adequate training to their personnel.

161. In the training of professionals in the disability field, as well as in the provision of information on disability in general training programmes, the principle of full participation and equality should be appropriately reflected.

162. States should develop training programmes in consultation with organizations of persons with disabilities, and persons with disabilities should be involved as teachers, instructors or advisers in staff training programmes.

163. The training of community workers is of great strategic importance particularly in developing countries. It should involve persons with disabilities and include the development of appropriate values, competence and technologies as well as skills which can be practised by persons with disabilities, their parents, families and members of the community.

Rule 20: National monitoring and evaluation of disability programmes in the implementation of the Standard Rules

States are responsible for the continuous monitoring and evaluation of the implementation of national programmes and services concerning the equalization of opportunities for persons with disabilities.

164. States should periodically and systematically evaluate national disability programmes and disseminate both the bases and the results of the evaluations.

165. States should develop and adopt terminology and criteria for the evaluation of disability related programmes and services.

166. Such criteria and terminology should be developed in close cooperation with organizations of persons with disabilities from the earliest conceptual and planning stages.

167. States should participate in international cooperation in order to develop common standards for national evaluation in the disability field. States should encourage national coordinating committees to participate also.

168. The evaluation of various programmes in the disability field should be built in at the planning stage, so that the overall efficacy in fulfilling their policy objectives can be evaluated.

Rule 21: Technical and economic cooperation

States, both industrialized and developing, have responsibility to cooperate in and undertake measures for the improvement of the living conditions of persons with disabilities in developing countries.

169. Measures to achieve the equalization of opportunities of persons with disabilities, including refugees with disabilities, should be integrated into general development programmes.

170. Such measures must be integrated in all forms of technical and economic cooperation, bilateral and multilateral, governmental and non-governmental. States should bring up disability issues in discussions on such cooperation with their counterparts.

171. When planning and reviewing programmes of technical and economic cooperation, special attention should be given to the effects of such programmes on the situation of persons with disabilities. It is of utmost importance that persons with disabilities and their organizations are consulted on any development projects designed for persons with disabilities. They should be directly involved in the development, implementation and evaluation of such projects.

172. Priority areas for technical and economic cooperation should include:

(a) The development of human resources through the development of skills, abilities and potentials of persons with disabilities and the initiation of employment-generating activities for and of persons with disabilities;

(b) The development and dissemination of appropriate disability related technologies and know-how.

173. States are also encouraged to support the formation and strengthening of organizations of persons with disabilities.

174. States should take measures to improve the knowledge of disability issues among staff involved at all levels in the administration of technical and economic cooperation programmes.

Rule 22: International cooperation

States will participate actively in international cooperation concerning policies for the equalization of opportunities for persons with disabilities.

175. Within the United Nations, its specialized agencies and other concerned intergovernmental organizations, States should participate in the development of disability policy.

176. Whenever appropriate, States should introduce disability aspects in general negotiations concerning standards, information exchange, development programmes etc.

177. States should encourage and support the exchange of knowledge and experience between:

(a) Non-governmental organizations concerned with disability issues;

(b) Research institutions and individual researchers involved in disability issues;

(c) Representatives of field programmes and of professional groups in the disability field;

(d) Organizations of persons with disabilities;

(e) National coordinating committees.

178. States should ensure that the United Nations and its specialized agencies as well as all intergovernmental and interparliamentary bodies, at global and regional levels, include in their work the global and regional organizations of persons with disabilities.

IV. MONITORING MECHANISM

179. The purpose of a monitoring mechanism is to assist each State to assess its level of implementation of the Standard Rules and to measure its progress. This monitoring should identify obstacles and their solutions. This will contribute to the successful implementation of the Standard Rules. The monitoring mechanism will recognize the economic, social and cultural features existing in individual States.

180. The Standard Rules on the equalization of opportunities for persons with disabilities shall be monitored within the framework of the sessions of the Commission for Social Development. A Special Rapporteur with relevant and extensive experience of disability issues and international organizations shall be appointed for three years to monitor the implementation of the Standard Rules.

181. International organizations of persons with disabilities having consultative status with the Economic and Social Council should be invited by the Commission for Social Development to create among themselves a panel of experts, taking into account the different kinds of disabilities and necessary equitable geographical distribution, to be consulted by the Special Rapporteur and, when appropriate, the Secretariat.

182. The panel of experts will be encouraged by the Special Rapporteur to review, advise and provide feedback and suggestions on the promotion, implementation and monitoring of the Standard Rules.

183. The Special Rapporteur shall send a set of questions to States, entities within the United Nations system, and intergovernmental and non-governmental organizations, including organizations of persons with disabilities. The set of questions should address implementation plans for the Standard Rules in States. The questions should be selective in nature and cover a number of specific rules for in-depth evaluation. In preparing the questions the Special Rapporteur should consult with the panel of experts and the Secretariat.

184. The Special Rapporteur shall seek to establish a direct dialogue not only with States but also with local non-governmental organizations, seeking their views and comments on any information intended to be included in the reports. The Special Rapporteur shall provide advisory services on the implementation and monitoring of the Standard Rules and assistance in the preparation of replies to the sets of questions.

185. The United Nations Office at Vienna, Centre for Social Development and Humanitarian Affairs, as the United Nations focal point on disability issues the United Nations Development Programme and other entities and mechanisms within the United Nations system, such as the regional commissions and specialized agencies and inter-agency meetings, shall cooperate with the Special Rapporteur in the implementation and monitoring of the Standard Rules at the national level.

186. The Special Rapporteur shall, assisted by the Secretariat, prepare reports for submission to the thirty-fourth and thirty-fifth sessions of the Commission for Social Development. In preparing such reports the Rapporteur should consult with the panel of experts.

187. States should encourage national coordinating committees or similar bodies to participate in implementation and monitoring. As the focal points on disability matters at the national level, they should be encouraged to establish procedures to coordinate the monitoring of the Standard Rules. Organizations of persons with disabilities should be encouraged to be actively involved in the monitoring of the process at all levels.

188. Should extra-budgetary resources be identified, one or more positions of Inter-Regional Advisor on the Standard Rules should be created to provide direct services to States, including:

(a) The organization of national and regional training seminars on the content of the Standard Rules;

(b) The development of guidelines to assist in strategies for implementation of the Standard Rules;

(c) The best practices concerning implementation of the Standard Rules.

189. At its thirty-fourth session, the Commission for Social Development should establish an open-ended working group to examine the Special Rapporteur's report and make recommendations on how to improve the application of the Standard Rules. In examining the Special Rapporteur's report, the Commission for Social Development, by its open-ended working group, shall consult international organizations of persons with disabilities and specialized agencies, according to rules 71 and 76 of the rules of procedure of the functional commissions of the Economic and Social Council.

190. At its session following the end of the Special Rapporteur's mandate, the Commission should examine the possibility of either renewing that mandate, appointing a new Special Rapporteur or considering another monitoring mechanism; and should make appropriate recommendations to the Economic and Social Council.

191. States should be encouraged to contribute to the United Nations Voluntary Fund on Disability in order to further the implementation of the Standard Rules.